

**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**  
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As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled

**FIRE BLOCKING FABRIC**

the specification of which  is attached hereto  was filed on \_\_\_\_\_ as United States Application No. or PCT International Application No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b), of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designates at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed:

<u>Country</u>	<u>Application No.</u>	<u>Filed (Day/Mo./Yr.)</u>	(Yes/No) <u>Priority Claimed</u>
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I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(c) of any PCT international application designating the United States, or under § 119(e) of any United States provisional application, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

<u>Application No.</u>	<u>Filed (Day/Mo./Yr.)</u>	<u>Status (Patented, Pending, Abandoned)</u>
60/277,277	March 21, 2001	Provisional

I hereby appoint the practitioners associated with the firm and Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to the address associated with that Customer Number:

**FITZPATRICK, CELLA, HARPER & SCINTO  
Customer Number: 05514**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole or First Inventor David F. Erb, Jr.

Inventor's signature David F. Erb, Jr.

Date 01/08/02 Citizen/Subject of USA

Residence Readfield, Maine

Post Office Address 88 Old Fairgrounds Road, Readfield, ME 04355

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Full Name of Second Joint Inventor, if any Eliza L. Montgomery

Second Inventor's signature Ely J. Montgomery

Date 01/08/02

Citizen/Subject of \_\_\_\_\_ USA

Residence North Monmouth, ME

Post Office Address P.O. Box 244, North Monmouth, Maine 04265

Full Name of Third Joint Inventor, if any Eric D. Ritter

Third Inventor's signature Eric D. Ritter

Date 01/08/02

Citizen/Subject of \_\_\_\_\_ USA

Residence Monmouth, Maine

Post Office Address 123 Warren Road, Monmouth, Maine 04259

Full Name of Fourth Joint Inventor, if any \_\_\_\_\_

Fourth Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Citizen/Subject of \_\_\_\_\_

Residence \_\_\_\_\_

Post Office Address \_\_\_\_\_

Full Name of Fifth Joint Inventor, if any \_\_\_\_\_

Fifth Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Citizen/Subject of \_\_\_\_\_

Residence \_\_\_\_\_

Post Office Address \_\_\_\_\_

Full Name of Sixth Joint Inventor, if any \_\_\_\_\_

Sixth Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Citizen/Subject of \_\_\_\_\_

Residence \_\_\_\_\_

Post Office Address \_\_\_\_\_

Full Name of Seventh Joint Inventor, if any \_\_\_\_\_

Seventh Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Citizen/Subject of \_\_\_\_\_

Residence \_\_\_\_\_

Post Office Address \_\_\_\_\_

Form #40

Applicant or Patentee: David F. Erb et al.  
Application or Patent No.: \_\_\_\_\_  
Filed or Issued: Herewith  
For: FIRE BLOCKING FABRIC

Attorney's  
Docket No.: 1573.900

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) and 1.27(c) - SMALL BUSINESS CONCERN

I hereby declare that I am

the owner of the small business concern identified below:  
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Tex Tech Industries Inc.  
ADDRESS OF CONCERN 105 North Main Street  
North Monmouth, Maine 04265

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled FIRE BLOCKING FABRIC by inventor(s) David F. Erb, Jr., et al. described in

the specification filed herewith  
application no. \_\_\_\_\_, filed \_\_\_\_\_  
patent no. \_\_\_\_\_, issued \_\_\_\_\_.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT  
ORGANIZATION

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT  
ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING \_\_\_\_\_

JOHN STANKIEWICZ

TITLE OF PERSON SIGNING \_\_\_\_\_

VICE PRESIDENT - FINANCE

ADDRESS OF PERSON SIGNING \_\_\_\_\_

105 NORTH MAIN STREET, NORTH MONMOUTH, ME 04265

SIGNATURE \_\_\_\_\_

DATE 1/8/02